

REMARKS / DISCUSSION OF ISSUES

Applicants have carefully reviewed and considered the Office Action mailed on July 11, 2008, and the references cited therewith.

Claim 8 is amended; as a result, claims 1-13 are now pending in this application.

35 USC§102 Rejection of the Claims

The non-final office action rejects claims 1 and 13 under 35 U.S.C. §102(b) over Schaffer et al (2002/0108113). Applicants respectfully traverse this rejection. For reasons explained below, the claims in question are patentable under 35 U.S.C. §102 (b) over the cited reference.

Schaffer et al. describe an apparatus for presenting real-time event recommendation in the form of a list to a user. In column 1, lines 35-40, Schaffer describes "the Apparatus tunes automatically to a recommended fuzzy-now real-time event as part of a surf-ring". Further, in paragraph [0036], Schaffer describes "the channel desirability will depend solely on the desirability of the show currently on that channel. However, depending on the fuzzy-now function employed, there will be a period in the vicinity of the transition from one show to the next where the channel desirability may involve combining of final recommendations from the current and about-to-begin shows. This combination might involve taking the maximum of the final recommendation function of the present show and the next show. This combination might also involve averaging the final recommendation functions". Schaffer **does not** teach or suggest "selection means for selecting pieces of content within a time interval", as recited in the independent claims 1 and 13. Further, Schaffer **fails** to teach or suggest "calculating for said sequences a sequence score, based at least on said piece scores of the pieces contained in said sequence and on a correlation of the content descriptions of at least two of the pieces contained in said sequence", as recited in the independent claims 1 and 13. Support for this can also be found in page 4, lines 12-15.

35 USC§103 Rejection of the Claims

The Non final office action rejects claims 2-7 under 35 U.S.C. §103(a) over Schaffer et al (2002/0108113) in view of Pachet et al. (EP 1170722 A). Applicants respectfully traverse this rejection. For reasons explained below, the claims in question are patentable under 35 U.S.C. §103 (a) over the cited reference.

Schaffer et al. describe an apparatus for presenting real-time event recommendation in the form of a list to a user. In column 1, lines 35-40, Schaffer describes "the Apparatus tunes automatically to a recommended fuzzy-now real-time event as part of a surf-ring". Further, in paragraph [0036], Schaffer describes "the channel desirability will depend solely on the desirability of the show currently on that channel. However, depending on the fuzzy-now function employed, there will be a period in the vicinity of the transition from one show to the next where the channel desirability may involve combining of final recommendations from the current and about-to-begin shows. This combination might involve taking the maximum of the final recommendation function of the present show and the next show. This combination might also involve averaging the final recommendation functions". In page 9, lines 26-30, Pachet et al. describes "sequence is generated by implementing in combination a sequence completion system and a user profiling system, thereby taking into account both sequence coherence and user profile".

In contrast, independent claim 1 recites "selection means for selecting pieces of content within a time interval" and "calculating for said sequences a sequence score, based at least on said piece scores of the pieces contained in said sequence and on a correlation of the content descriptions of at least two of the pieces contained in said sequence". Support for this can also be found in page 4, lines 12-15.

Claims 2-7 depend directly or indirectly from the independent claim 1, so they should be allowable for the reasons presented above.

Applicants respectfully assert that Schaffer and Pachet references fail to

support a *prima facie* case of obviousness because as mentioned above, the cited references in combination fail to teach or suggest all of the elements of the Applicants' invention, such as selecting pieces of content within a time interval and calculating for said sequences a sequence score, based at least on said piece scores of the pieces contained in said sequence and on a correlation of the content descriptions of at least two of the pieces contained in said sequence.

For the above reasons, claims 2-7 should be allowable over Schaffer and Pachet references and Applicants request that the rejection be withdrawn.

Allowable Subject Matter

Claim 8-12 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicants have amended claim 8 accordingly. Reconsideration of claim 8 is respectfully requested. Claims 9-12 depend directly or indirectly from amended claim 8, so they should also be allowable.

In view of the foregoing, applicants respectfully request that the Examiner withdraw the objections and/or rejections of record, allow all the pending claims 1-13, and find the application in condition for allowance. If any points remain in issue that may best be resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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